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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Sarah C. Carranceja
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Applicant : Dah-Ben Liang, et al. Confirmation No. 7809
Application No. : 09/637,764
Filed : August 10, 2000
Title : ROCK BIT WITH HARD-FACING MATERIAL INCORPORATING
SPHERICAL CAST CARBIDE PARTICLES
Grp./Div. : 3672
Examiner : NEUDER, William P.
Docket No. : 36912/S61

PETITION TO REVIVE UNDER 37 CFR § 1.137(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068
February 7, 2008

Commissioner:

Applicant hereby petitions to revive the above-identified application. The abandonment of this application was the result of unintentional delay. Enclosed please find the petition fee in the amount of \$1,540.00 as set forth in 37 CFR § 1.137. Also enclosed herein is a response to the Notice of Non-Compliant Amendment where all the claims have been listed in response to the Final Rejection mailed on March 7, 2006.

It should be noted that Applicant submits that the Notice of Non-Compliant Amendment mailed on May 22, 2006 appears to have been mailed in error, as the response mailed on May 5, 2006 and received by the U.S. Patent and Trademark Office on May 9, 2006 in response to the Final action of March 7, 2006 was a response in a reissue application which is covered by 37 CFR § 1.173, and not 37 CFR § 1.121. 37 CFR § 1.173(b)(2) states that "An amendment paper must include the entire text of each claim being changed by such amendment paper and each

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Application No. 09/637,764

claim being added by such amendment paper. For any claim changed by the amendment paper, a parenthetical expression 'amended,' 'twice amended,' etc., should follow the claim number." 37 CFR § 1.173 does not require that a complete listing of the claims as does 37 CFR § 1.121. Nevertheless, in the interest of furthering prosecution, Applicant has submitted herewith an Amendment in response to the final Office action mailed on March 7, 2006, which is the same amendment mailed by Applicant on May 5, 2006 and now includes a complete listing of all claims.

Pursuant to page 4 of the Decision mailed on December 7, 2007, a three-month Extension of Time fee in the amount of \$1,020.00 has already been debited to Deposit Account No. 03-1728. Therefore, payment of an Extension of Time fee does not appear to be warranted.

Nevertheless, the Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account No. 03-1728. Please show our docket number with any charge or credit to our Deposit Account. **A copy of this letter is enclosed.**

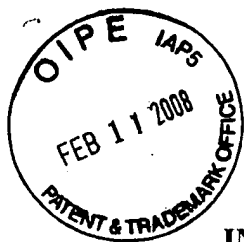
Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By 

Constantine Marantidis
Reg. No. 39,759
626/795-9900

CM/scc
Enclosures: Response
Check

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